

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Abingdon Division

JOHN RIFE,

Plaintiff,

v.

Case No.:

TRACTOR SUPPLY COMPANY,

Defendant.

**NOTICE OF REMOVAL**

Defendant Tractor Supply Company pursuant to 28 U.S.C. §1441 and 1446, files this Notice of Removal to remove this action from the Circuit Court for the County of Tazewell, Commonwealth of Virginia, captioned *John Rife v. Tractor Supply Company*, Case No. CL21-450.

In support, Tractor Supply Company states as follows:

**TIMELINESS OF REMOVAL**

1. On March 22, 2021, Plaintiff John Rife filed a Complaint in the Circuit Court for the County of Tazewell, captioned *John Rife v. Tractor Supply Company*, Case No. CL21-450. A copy of the Complaint is attached hereto as Exhibit A.

2. Tractor Supply Company was served the Summons and Complaint on March 29, 2021.

3. Tractor Supply Company filed this Notice of Removal within thirty (30) days after service of the Summons and Complaint on Tractor Supply Company. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

4. Tractor Supply Company has attached a copy of all process, pleadings, order, and other documents on file with the Circuit Court for the County of Tazewell, Commonwealth of Virginia.

### **GROUND FOR REMOVAL**

5. Tractor Supply Company submits to this Court that it has original jurisdiction and it invokes the diversity jurisdiction of this Court as provided in 28 U.S.C. § 1332.

6. Specifically, Plaintiff is allegedly a resident of the Commonwealth of Virginia. Complaint ¶ 1.

7. Tractor Supply Company is organized under the laws of the state of Delaware and has its principal place of business in the state of Tennessee.

8. Plaintiff seeks to recover against Tractor Supply Company for an alleged slip and fall incident. The Complaint seeks \$1,000,000.00 in compensatory damages.

9. This Court has removal jurisdiction over this matter pursuant to 28 U.S.C. section 1332 as there is complete diversity of citizenship between the plaintiff and the defendant and the amount in controversy exceeds \$75, 0000.00, exclusive of interest and costs.

10. Since this Court has diversity jurisdiction over this matter, it also has jurisdiction over any remaining claims contained in Plaintiff's Complaint under 28 U.S.C. § 1441(c) and/or under the doctrine of supplemental jurisdiction, 28 U.S.C. § 1367.

### **NOTICE OF REMOVAL TO STATE COURT AND TO ADVERSE PARTIES**

11. Written notice of the filing of this Notice of Removal will promptly be served on all parties as required by 28 U.S.C. § 1446(d).

12. Tractor Supply Company will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court for the County of Tazewell, Virginia, as required by 28 U.S.C. § 1446(d).

**VENUE**

13. Venue of this action in the United States District Court for the Western District of Virginia, Abingdon Division is proper, as this is the district and division in which the State court action is pending. 28 U.S.C. §§ 1446(a) and 1454(a).

WHEREFORE, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Tractor Supply Company, by counsel, respectfully requests that this civil action be removed from the Circuit Court for the County of Tazewell, Virginia, to the United States District Court for the Western District of Virginia, Abingdon Division.

**TRACTOR SUPPLY COMPANY**

By Counsel

s/P. Bradenham Michelle, IV  
John R. Owen (VSB No. 39560)  
Elizabeth O. Papoulakos (VSB No. 89468)  
P. Bradenham Michelle, IV (VSB No. 92406)  
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**C E R T I F I C A T E**

I hereby certify that on the 19th day of April, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Shari Cohen Boscolo, Esq.  
ChaseBoscolo Injury Lawyers  
7852 Walker Dr., Suite 300  
Greenbelt, MD 20770  
301-220-0050 - Phone  
301-474-1230 - Fax  
scboscolo@chasenboscolo.com

and I hereby certify that I have emailed and mailed by United States Postal Service the document to the following:

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